

# **EXHIBIT 1**

**From:** Walsh, Amy  
**Sent:** Tuesday, October 3, 2023 8:16 AM  
**To:** Marc Epstein; David Schwartz; Jacquie Téllez  
**Cc:** Monsour, Franklin; Brecher, Aaron; Sawyer, Richard; Faherty, Colleen; Dagne, Yasmin; D Brody; Adarsh Patel; Church, Melinda  
**Subject:** RE: NCBCP v. Wohl, 20 Civ. 8668

David,  
Following up on Marc's email below, please let us know if either of your clients in the above-referenced case intends to withdraw his previous invocation of his Fifth Amendment rights and testify at trial.

Best regards,  
Amy

**Amy Walsh**  
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White Collar Litigation, Investigations & Compliance

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**From:** Marc Epstein <mepstein@lawyerscommittee.org>  
**Sent:** Tuesday, August 8, 2023 3:50 PM  
**To:** David Schwartz <david@davidswartzesq.com>; Jacquie Téllez <jtellez@davidswartzesq.com>  
**Cc:** Walsh, Amy <awalsh@orrick.com>; Monsour, Franklin <fmonsour@orrick.com>; Brecher, Aaron <abrecher@orrick.com>; Aiken, Ben <baiken@orrick.com>; Sawyer, Richard <richard.sawyer@ag.ny.gov>; Faherty, Colleen <colleen.faherty@ag.ny.gov>; Dagne, Yasmin <Yasmin.Dagne@ag.ny.gov>; D Brody <dbrody@lawyerscommittee.org>; Adarsh Patel <apatel@lawyerscommittee.org>  
**Subject:** NCBCP v. Wohl, 20 Civ. 8668

David,

I hope your summer is going well. In your opposition to Plaintiffs' motion in limine to preclude evidence controverting issues decided on summary judgment, you indicated that your clients may withdraw their assertion of their Fifth Amendment privilege. Dkt. 303 at 5. We will not oppose withdrawal of the invocation so long as you inform us on or before August 15 so that we can take timely action to preserve our rights. Any attempt after August 15, however, would be unfairly prejudicial and we will seek to oppose. If you do not let us know by August 15, we will take appropriate steps with the Court.

Regards,

Marc

Marc Epstein (he/him/his)  
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